

AMENDED IN SENATE JUNE 29, 2006

AMENDED IN SENATE JUNE 8, 2005

AMENDED IN ASSEMBLY MAY 2, 2005

AMENDED IN ASSEMBLY APRIL 14, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1102

Introduced by Assembly Member Hancock

February 22, 2005

An act to amend Sections 300, 302, 303, 306, 307, 309, 351, 354, 355, 357, 358, 359, 360, 400, 420, 422, 425, ~~500~~, 501, 502, 503, 505, 506, 508, 509, 510, 511, 530, 531, 532, 533, 534, 535, and 536 of, to amend the heading of Part 2 (commencing with Section 350) of Division 3 of, to add ~~Section 426~~ *Sections 351.5, 426, and 500.5* to, and to repeal Sections 353 and 424 of, the Family Code, and to amend Sections 100430, 102130, 102140, 102310, 102325, 102355, 103125, 103175, 103180, 103200, 103235, ~~103730~~, 103780, and 103785 of, and to repeal Section 103595 of, the Health and Safety Code, relating to marriage.

LEGISLATIVE COUNSEL'S DIGEST

AB 1102, as amended, Hancock. Marriage.

Existing law provides that marriage is a personal relation arising out of a civil contract between a man and a woman, and requires the licensure and solemnization thereof. Existing law provides for the issuance of marriage and confidential marriage licenses and sets the fees thereof. Existing law further imposes duties on county clerks in that connection, as specified.

This bill would, operative January 1, ~~2007~~ 2008, revise and recast those provisions and related terms. Among other things, the bill would conform various statutory provisions of law to those changes. The bill would further regulate the issuance of confidential marriage licenses based upon an inability of the parties to appear, as specified, and would make related changes with regard to notaries public and the State Registrar. In issuing a duplicate marriage license or confidential marriage license, the bill would allow the county clerk to charge any fee to cover the actual costs of issuing that duplicate license, and would change the fee charged notaries public for approval to issue confidential marriage licenses to \$300.

By adding to the duties of county employees to comply with those changes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 300 of the Family Code is amended to
2 read:
3 300. (a) Marriage is a personal relation arising out of a civil
4 contract between a man and a woman, to which the consent of
5 the parties capable of making that contract is necessary. Consent
6 alone does not constitute marriage. Consent must be followed by
7 the issuance of a license and solemnization as authorized by this
8 division, except as provided by Section 425 and Part 4
9 (commencing with Section 500).
10 (b) For purposes of this part, the document issued by the
11 county clerk is a marriage license until it is registered with the
12 county recorder, at which time the license becomes a marriage
13 certificate.
14 SEC. 2. Section 302 of the Family Code is amended to read:
15 302. (a) An unmarried male or female under the age of 18
16 years is capable of consenting to and consummating marriage

1 upon obtaining a court order granting permission to the underage
2 person or persons to marry.

3 (b) The court order and written consent of the parents of each
4 underage person, or of one of the parents or the guardian of each
5 underage person shall be filed with the clerk of the court, and a
6 certified copy of the order shall be presented to the county clerk
7 at the time the marriage license is issued.

8 SEC. 3. Section 303 of the Family Code is amended to read:

9 303. If it appears to the satisfaction of the court by
10 application of a minor that the minor requires a written consent to
11 marry and that the minor has no parent or has no parent capable
12 of consenting, the court may make an order consenting to the
13 issuance of a marriage license and granting permission to the
14 minor to marry. The order shall be filed with the clerk of the
15 court and a certified copy of the order shall be presented to the
16 county clerk at the time the marriage license is issued.

17 SEC. 4. Section 306 of the Family Code is amended to read:

18 306. Except as provided in Section 307, a marriage shall be
19 licensed, solemnized, and authenticated, and the authenticated
20 marriage license shall be returned to the county recorder of the
21 county where the marriage license was issued, as provided in this
22 part. Noncompliance with this part by a nonparty to the marriage
23 does not invalidate the marriage.

24 SEC. 5. Section 307 of the Family Code is amended to read:

25 307. This division, so far as it relates to the solemnizing of
26 marriage, is not applicable to members of a particular religious
27 society or denomination not having clergy for the purpose of
28 solemnizing marriage or entering the marriage relation, if all of
29 the following requirements are met:

30 (a) The parties to the marriage sign and endorse on the form
31 prescribed by the State Department of Health Services, showing
32 all of the following:

- 33 (1) The fact, time, and place of entering into the marriage.
34 (2) The printed names, signatures, and mailing addresses of
35 two witnesses to the ceremony.
36 (3) The religious society or denomination of the parties to the
37 marriage, and that the marriage was entered into in accordance
38 with the rules and customs of that religious society or
39 denomination. The statement of the parties to the marriage that
40 the marriage was entered into in accordance with the rules and

1 customs of the religious society or denomination is conclusively
2 presumed to be true.

3 (b) The License and Certificate of Non-Clergy Marriage,
4 endorsed pursuant to subdivision (a), is returned to the county
5 recorder of the county in which the license was issued within 10
6 days after the ceremony.

7 SEC. 6. Section 309 of the Family Code is amended to read:

8 309. If either party to a marriage denies the marriage, or
9 refuses to join in a declaration of the marriage, the other party
10 may proceed, by action pursuant to Section 103450 of the Health
11 and Safety Code, to have the validity of the marriage determined
12 and declared.

13 SEC. 7. The heading of Part 2 (commencing with Section
14 350) of Division 3 of the Family Code is amended to read:

15
16 PART 2. MARRIAGE LICENSE
17

18 SEC. 8. Section 351 of the Family Code is amended to read:

19 351. The marriage license shall show all of the following:

20 (a) The identity of the parties to the marriage.
21 (b) The parties' full given names at birth or by court order, and
22 mailing addresses.

23 (c) The parties' dates of birth.

24 SEC. 8.5. *Section 351.5 is added to the Family Code, to read:*

25 351.5. *Notwithstanding Section 307, 351, 359, or 422 of this*
26 *code, or Section 103175 or 1031180 of the Health and Safety*
27 *Code, a mailing address used by an applicant, witness, or person*
28 *solemnizing or performing the marriage ceremony shall be a*
29 *residential address, a business address, or a United States Postal*
30 *Service post office box.*

31 SEC. 9. Section 353 of the Family Code is repealed.

32 SEC. 10. Section 354 of the Family Code is amended to read:

33 354. (a) Each applicant for a marriage license shall be
34 required to present authentic photo identification acceptable to
35 the county clerk as to name and date of birth. A credible witness
36 affidavit or affidavits may be used in lieu of authentic photo
37 identification.

38 (b) For the purpose of ascertaining the facts mentioned or
39 required in this part, if the clerk deems it necessary, the clerk
40 may examine the applicants for a marriage license on oath at the

1 time of the application. The clerk shall reduce the examination to
2 writing and the applicants shall sign it.

3 (c) If necessary, the clerk may request additional documentary
4 proof as to the accuracy of the facts stated.

5 (d) Applicants for a marriage license shall not be required to
6 state, for any purpose, their race or color.

7 (e) If a marriage is to be entered into pursuant to subdivision
8 (b) of Section 420, the attorney in fact shall comply with the
9 requirements of this section on behalf of the applicant who is
10 overseas, if necessary.

11 SEC. 11. Section 355 of the Family Code is amended to read:

12 355. (a) The forms for the marriage license shall be
13 prescribed by the State Department of Health Services, and shall
14 be adapted to set forth the facts required in this part.

15 (b) The marriage license shall include an affidavit, which the
16 applicants shall sign, affirming that they have received the
17 brochure provided for in Section 358. If the marriage is to be
18 entered into pursuant to subdivision (b) of Section 420, the
19 attorney in fact shall sign the affidavit on behalf of the applicant
20 who is overseas.

21 SEC. 12. Section 357 of the Family Code is amended to read:

22 357. (a) The county clerk shall number each marriage license
23 issued and shall transmit at periodic intervals to the county
24 recorder a list or copies of the licenses issued.

25 (b) Not later than 60 days after the date of issuance, the county
26 recorder shall notify licenseholders whose marriage license has
27 not been returned of that fact and that the marriage license will
28 automatically expire on the date shown on its face.

29 (c) The county recorder shall notify the licenseholders of the
30 obligation of the person solemnizing their marriage to return the
31 marriage license to the recorder's office within 10 days after the
32 ceremony.

33 SEC. 13. Section 358 of the Family Code is amended to read:

34 358. (a) The State Department of Health Services shall
35 prepare and publish a brochure that shall contain the following:

36 (1) Information concerning the possibilities of genetic defects
37 and diseases and a listing of centers available for the testing and
38 treatment of genetic defects and diseases.

(2) Information concerning acquired immunodeficiency syndrome (AIDS) and the availability of testing for antibodies to the probable causative agent of AIDS.

(3) Information concerning domestic violence, including resources available to victims and a statement that physical, emotional, psychological, and sexual abuse, and assault and battery, are against the law.

(b) The State Department of Health Services shall make the brochures available to county clerks who shall distribute a copy of the brochure to each applicant for a marriage license, including applicants for a confidential marriage license and notaries public receiving a confidential marriage license pursuant to Section 503.

(c) Each notary public issuing a confidential marriage license under Section 503 shall distribute a copy of the brochure to the applicants for a confidential marriage license.

(d) To the extent possible, the State Department of Health Services shall seek to combine in a single brochure all statutorily required information for marriage license applicants.

SEC. 14. Section 359 of the Family Code is amended to read:

359. (a) Except as provided in Sections 420 and 426, applicants to be married shall first appear together in person before the county clerk to obtain a marriage license.

(b) The contents of the marriage license are provided in Part 1 (commencing with Section 102100) of Division 102 of the Health and Safety Code.

(c) The issued marriage license shall be presented to the person solemnizing the marriage by the parties to be married.

(d) The person solemnizing the marriage shall complete the solemnization sections on the marriage license, and shall cause to be entered on the marriage license the printed name, signature, and mailing address of at least one, and no more than two, witnesses to the marriage ceremony.

(e) The marriage license shall be returned by the person solemnizing the marriage to the county recorder of the county in which the license was issued within 10 days after the ceremony.

(f) As used in this division, “returned” means presented to the appropriate person in person, or postmarked, before the expiration of the specified time period.

SEC. 15. Section 360 of the Family Code is amended to read:

1 360. (a) If a marriage license is lost, damaged, or destroyed
2 after the marriage ceremony, but before it is returned to the
3 county recorder, or deemed unacceptable for registration by the
4 county recorder, the person solemnizing the marriage, in order to
5 comply with Section 359, shall obtain a duplicate marriage
6 license by filing an affidavit setting forth the facts with the
7 county clerk of the county in which the license was issued.

8 (b) The duplicate marriage license may not be issued later than
9 one year after issuance of the original license and shall be
10 returned by the person solemnizing the marriage to the county
11 recorder within one year of the issuance date shown on the
12 original marriage license.

13 (c) The county clerk may charge a fee to cover the actual costs
14 of issuing a duplicate marriage license.

15 (d) If a marriage license is lost, damaged, or destroyed before
16 a marriage ceremony takes place, the applicants shall purchase a
17 new marriage license and the old license shall be voided.

18 SEC. 16. Section 400 of the Family Code is amended to read:

19 400. Marriage may be solemnized by any of the following
20 who is of the age of 18 years or older:

21 (a) A priest, minister, rabbi, or authorized person of any
22 religious denomination.

23 (b) A judge or retired judge, commissioner of civil marriages
24 or retired commissioner of civil marriages, commissioner or
25 retired commissioner, or assistant commissioner of a court of
26 record in this state.

27 (c) A judge or magistrate who has resigned from office.

28 (d) Any of the following judges or magistrates of the United
29 States:

30 (1) A justice or retired justice of the United States Supreme
31 Court.

32 (2) A judge or retired judge of a court of appeals, a district
33 court, or a court created by an act of Congress the judges of
34 which are entitled to hold office during good behavior.

35 (3) A judge or retired judge of a bankruptcy court or a tax
36 court.

37 (4) A United States magistrate or retired magistrate.

38 (e) A legislator or constitutional officer of this state or a
39 Member of Congress who represents a district within this state,
40 while that person holds office.

1 SEC. 17. Section 420 of the Family Code is amended to read:

2 420. (a) No particular form for the ceremony of marriage is
3 required for solemnization of the marriage, but the parties shall
4 declare, in the physical presence of the person solemnizing the
5 marriage and necessary witnesses, that they take each other as
6 husband and wife.

7 (b) Notwithstanding subdivision (a), a member of the Armed
8 Forces of the United States who is stationed overseas and serving
9 in a conflict or a war and is unable to appear for the licensure and
10 solemnization of the marriage may enter into that marriage by the
11 appearance of an attorney in fact, commissioned and empowered
12 in writing for that purpose through a power of attorney. The
13 attorney in fact must personally appear at the county clerk's
14 office with the party who is not stationed overseas, and present
15 the original power of attorney duly signed by the party stationed
16 overseas and acknowledged by a notary or witnessed by two
17 officers of the United States Armed Forces. Copies in any form,
18 including by facsimile, are not acceptable. The power of attorney
19 shall state the full given names at birth, or by court order, of the
20 parties to be married, and that the power of attorney is solely for
21 the purpose of authorizing the attorney in fact to obtain a
22 marriage license on the person's behalf and participate in the
23 solemnization of the marriage. The original power of attorney
24 shall be a part of the marriage certificate upon registration.

25 (c) No contract of marriage, if otherwise duly made, shall be
26 invalidated for want of conformity to the requirements of any
27 religious sect.

28 SEC. 18. Section 422 of the Family Code is amended to read:

29 422. The person solemnizing a marriage shall, sign and print
30 or type upon the marriage license a statement, in the form
31 prescribed by the State Department of Health Services, showing
32 all of the following:

33 (a) The fact, date (month, day, year), and place (city and
34 county) of solemnization.

35 (b) The printed names, signatures, and mailing addresses of at
36 least one, and no more than two, witnesses to the ceremony.

37 (c) The official position of the person solemnizing the
38 marriage, or of the denomination of which that person is a priest,
39 minister, rabbi, or other authorized person of any religious
40 denomination.

1 (d) The person solemnizing the marriage shall also type or
2 print his or her name and mailing address.

3 SEC. 19. Section 424 of the Family Code is repealed.

4 SEC. 20. Section 425 of the Family Code is amended to read:

5 425. If no record of the solemnization of a California
6 marriage previously contracted under this division for that
7 marriage is known to exist, the parties may purchase a License
8 and Certificate of Declaration of Marriage from the county clerk
9 in the parties' county of residence one year or more from the date
10 of the marriage. The license and certificate shall be returned to
11 the county recorder of the county in which the license was
12 issued.

13 SEC. 21. Section 426 is added to the Family Code, to read:

14 426. If for sufficient reason, as described in subdivision (d),
15 either or both of the parties to be married are physically unable to
16 appear in person before the county clerk, a marriage license may
17 be issued by the county clerk to the person solemnizing the
18 marriage if the following requirements are met:

19 (a) The person solemnizing the marriage physically presents
20 an affidavit to the county clerk explaining the reason for the
21 inability to appear.

22 (b) The affidavit is signed under penalty of perjury by the
23 person solemnizing the marriage and by both parties.

24 (c) The signature of any party to be married who is unable to
25 appear in person before the county clerk is authenticated by a
26 notary public or a court prior to the county clerk issuing the
27 marriage license.

28 (d) Sufficient reason includes proof of hospitalization,
29 incarceration, or any other reason proved to the satisfaction of the
30 county clerk.

31 ~~SEC. 22. Section 500 of the Family Code is amended to read:~~

32 ~~500. (a) An unmarried man and an unmarried woman, not~~
33 ~~minors, may be married pursuant to this chapter by a person~~
34 ~~authorized to solemnize a marriage under Chapter 1~~
35 ~~(commencing with Section 400) of Part 3.~~

36 ~~(b) For purposes of this part, the document issued by the~~
37 ~~county clerk is a marriage license until it is registered with the~~
38 ~~county clerk, at which time the license becomes a marriage~~
39 ~~certificate.~~

40 SEC. 22. Section 500.5 is added to the Family Code, to read:

1 500.5. *For purposes of this part, the document issued by the*
2 *county clerk is a marriage license until it is registered with the*
3 *county clerk, at which time the license becomes a marriage*
4 *certificate.*

5 SEC. 23. Section 501 of the Family Code is amended to read:

6 501. Except as provided in Section 502, a confidential
7 marriage license shall be issued by the county clerk upon the
8 personal appearance together of the parties to be married and
9 their payment of the fees required by Sections 26840.1 and
10 26840.8 of the Government Code and any fee imposed pursuant
11 to the authorization of Section 26840.3 of the Government Code.

12 SEC. 24. Section 502 of the Family Code is amended to read:

13 502. If for sufficient reason, as described in subdivision (d),
14 either or both of the parties to be married are physically unable to
15 appear in person before the county clerk, a confidential marriage
16 license may be issued by the county clerk to the person
17 solemnizing the marriage if the following requirements are met:

18 (a) The person solemnizing the marriage physically presents
19 an affidavit to the county clerk explaining the reason for the
20 inability to appear.

21 (b) The affidavit is signed under penalty of perjury by the
22 person solemnizing the marriage and by both parties.

23 (c) The signature of any party to be married who is unable to
24 appear in person before the county clerk is authenticated by a
25 notary public or a court prior to the county clerk issuing the
26 confidential marriage license.

27 (d) Sufficient reason includes proof of hospitalization,
28 incarceration, or any other reason proved to the satisfaction of the
29 county clerk.

30 SEC. 25. Section 503 of the Family Code is amended to read:

31 503. The county clerk shall issue a confidential marriage
32 license upon the request of a notary public approved by the
33 county clerk to issue confidential marriage licenses pursuant to
34 Chapter 2 (commencing with Section 530) and upon payment by
35 the notary public of the fees specified in Sections 26840.1 and
36 26840.8 of the Government Code. The parties shall reimburse a
37 notary public who issues a confidential marriage license for the
38 amount of the fees.

39 SEC. 26. Section 505 of the Family Code is amended to read:

1 505. (a) The form of the confidential marriage license shall
2 be prescribed by the State Registrar of Vital Statistics.

3 (b) The form shall be designed to require that the parties to be
4 married declare or affirm that they meet all of the requirements
5 of this chapter.

6 (c) The form shall include an affidavit, which the bride and
7 groom shall sign, affirming that they have received the brochure
8 provided for in Section 358.

9 SEC. 27. Section 506 of the Family Code is amended to read:

10 506. (a) The confidential marriage license shall be presented
11 to the person solemnizing the marriage.

12 (b) Upon performance of the ceremony, the solemnization
13 section on the confidential marriage license shall be completed
14 by the person solemnizing the marriage.

15 (c) The confidential marriage license shall be returned by the
16 person solemnizing the marriage to the office of the county clerk
17 in the county in which the license was issued within 10 days after
18 the ceremony.

19 SEC. 28. Section 508 of the Family Code is amended to read:

20 508. Upon issuance of a confidential marriage license, parties
21 shall be provided with an application to obtain a certified copy of
22 the confidential marriage certificate from the county clerk.

23 SEC. 29. Section 509 of the Family Code is amended to read:

24 509. (a) A party to a confidential marriage may obtain a
25 certified copy of the confidential marriage certificate from the
26 county clerk of the county in which the certificate is filed in any
27 of the following ways:

28 (1) By submitting the application for a certified copy of the
29 confidential marriage certificate provided to the parties pursuant
30 to Section 508.

31 (2) By personally appearing before a notary public or at the
32 county clerk's office in the party's county of residence,
33 producing valid photo identification, obtaining a certificate
34 attesting to the party's identity from the notary public or county
35 clerk, and mailing or faxing that certificate, together with a
36 request for the certified copy of the confidential marriage
37 certificate, to the county clerk of the county with which the
38 certificate is filed.

39 (3) By personally appearing at the county clerk's office where
40 the certificate is filed and producing proper identification.

1 (b) Copies of a confidential marriage certificate may be issued
2 to the parties to the marriage upon payment of the fee equivalent
3 to that charged for copies of a marriage certificate.

4 SEC. 30. Section 510 of the Family Code is amended to read:

5 510. (a) If a confidential marriage license is lost, damaged,
6 or destroyed after the performance of the marriage, but before it
7 is returned to the county clerk, or deemed unacceptable for
8 registration by the county clerk, the person solemnizing the
9 marriage, in order to comply with Section 506, shall obtain a
10 duplicate marriage license by filing an affidavit setting forth the
11 facts with the county clerk of the county in which the license was
12 issued.

13 (b) The duplicate license may not be issued later than one year
14 after issuance of the original license and shall be returned by the
15 person solemnizing the marriage to the county clerk within one
16 year of the issuance date shown on the original marriage license.

17 (c) The county clerk may charge a fee to cover the actual costs
18 of issuing a duplicate marriage license.

19 (d) If a marriage license is lost, damaged, or destroyed before
20 a marriage ceremony takes place, the applicants shall purchase a
21 new marriage license and the old license shall be voided.

22 SEC. 31. Section 511 of the Family Code is amended to read:

23 511. (a) Except as provided in subdivision (b), the county
24 clerk shall maintain confidential marriage certificates filed
25 pursuant to Section 506 as permanent records which shall not be
26 open to public inspection except upon order of the court issued
27 upon a showing of good cause. The confidential marriage license
28 is a confidential record and not open to public inspection without
29 an order from the court.

30 (b) The county clerk shall keep all original certificates of
31 confidential marriages for one year from the date of filing. After
32 one year, the clerk may reproduce the certificates pursuant to
33 Section 26205 of the Government Code, and dispose of the
34 original certificates. The county clerk shall promptly seal and
35 store at least one original negative of each microphotographic
36 film made in a manner and place as reasonable to ensure its
37 preservation indefinitely against loss, theft, defacement, or
38 destruction. The microphotograph shall be made in a manner that
39 complies with the minimum standards or guidelines, or both,
40 recommended by the American National Standards Institute or

1 the Association for Information and Image Management. Every
2 reproduction shall be deemed and considered an original. A
3 certified copy of any reproduction shall be deemed and
4 considered a certified copy of the original.

5 (c) The county clerk may conduct a search for a confidential
6 marriage certificate for the purpose of confirming the existence
7 of a marriage, but the date of the marriage and any other
8 information contained in the certificate shall not be disclosed
9 except upon order of the court.

10 SEC. 32. Section 530 of the Family Code is amended to read:

11 530. (a) No notary public shall issue a confidential marriage
12 license pursuant to this part unless the notary public is approved
13 by the county clerk to issue confidential marriage licenses
14 pursuant to this chapter.

15 (b) A violation of subdivision (a) is a misdemeanor punishable
16 by a fine not to exceed one thousand dollars (\$1,000) or six
17 months in jail.

18 SEC. 33. Section 531 of the Family Code is amended to read:

19 ~~531. (a) If the county clerk chooses to accept applications~~
20 ~~authorizing a notary public to issue confidential marriage~~
21 ~~licenses, the county clerk shall establish a policy that outlines the~~
22 ~~requirements for filing the application and maintaining the~~
23 ~~registration. The notary public shall file an application for~~
24 ~~approval to issue confidential marriage licenses pursuant to this~~
25 ~~part with the county clerk in the county in which the notary~~
26 ~~public who is applying for the approval is commissioned and~~
27 ~~resides. The county clerk shall exercise reasonable discretion as~~
28 ~~to whether to approve applications. Any violation of the policy~~
29 ~~set forth by the county clerk shall result in the suspension or~~
30 ~~revocation of the authorization for the notary public to issue~~
31 ~~confidential marriage licenses. An application for approval to~~
32 ~~authorize confidential marriages pursuant to this part shall be~~
33 ~~submitted to the county clerk in the county in which the notary~~
34 ~~public who is applying for the approval resides. The county clerk~~
35 ~~shall exercise reasonable discretion as to whether to approve~~
36 ~~applications.~~

37 (b) The application shall include all of the following:

38 (1) The full name of the applicant.

39 (2) The date of birth of the applicant.

1 (3) The applicant's current residential address and telephone
2 number.

3 (4) The address and telephone number of the place where the
4 applicant will issue confidential marriage licenses.

5 (5) The full name of the applicant's employer if the applicant
6 is employed by another person.

7 (6) Whether or not the applicant has engaged in any of the acts
8 specified in Section 8214.1 of the Government Code.

9 (c) The application shall be accompanied by the fee provided
10 for in Section 536.

11 SEC. 34. Section 532 of the Family Code is amended to read:

12 532. No approval, or renewal of the approval, shall be granted
13 pursuant to this chapter unless the notary public shows evidence
14 of successful completion of a course of instruction concerning
15 the issuance of confidential marriage licenses that was conducted
16 by the county clerk in the county of registration. The course of
17 ~~instruction shall be given by the county clerk at a date and time~~
18 ~~set forth in the policy established by the county clerk. The county~~
19 ~~clerk shall exercise reasonable judgment in scheduling the length~~
20 ~~of the training course. instruction shall not exceed six hours in~~
21 ~~duration.~~

22 SEC. 35. Section 533 of the Family Code is amended to read:

23 533. An approval to issue confidential marriage licenses
24 pursuant to this chapter is valid for one year. The approval may
25 be renewed for additional one-year periods provided the
26 following conditions are met:

27 (a) The applicant has not violated any of the provisions
28 provided for in Section 531.

29 (b) The applicant has successfully completed the course
30 prescribed in Section 532.

31 (c) The applicant has paid the renewal fee provided for in
32 Section 536.

33 SEC. 36. Section 534 of the Family Code is amended to read:

34 534. (a) The county clerk shall maintain a list of the notaries
35 public who are approved to issue confidential marriage licenses.
36 The list shall be available for inspection by the public.

37 (b) It is the responsibility of a notary public approved to issue
38 confidential marriage licenses pursuant to this chapter to keep
39 current the information required in paragraphs (1), (3), (4), and
40 (5) of subdivision (b) of Section 531. This information shall be

1 used by the county clerk to update the list required to be
2 maintained by this section.

3 SEC. 37. Section 535 of the Family Code is amended to read:

4 535. (a) If, after an approval to issue confidential marriage
5 licenses is granted pursuant to this chapter, it is discovered that
6 the notary public has engaged in any of the actions specified in
7 Section 8214.1 of the Government Code, the approval shall be
8 revoked, and the county clerk shall notify the Secretary of State
9 for whatever action the Secretary of State deems appropriate.
10 Any fees paid by the notary public shall be retained by the
11 county clerk.

12 (b) If a notary public who is approved to authorize confidential
13 marriages pursuant to this chapter is alleged to have violated a
14 provision of this division, the county clerk shall conduct a
15 hearing to determine if the approval of the notary public should
16 be suspended or revoked. The notary public may present any
17 evidence as is necessary in the notary public's defense. If the
18 county clerk determines that the notary public has violated a
19 provision of this division, the county clerk may place the notary
20 public on probation or suspend or revoke the notary public's
21 registration, and any fees paid by the notary public shall be
22 retained by the county clerk. The county clerk shall report the
23 findings of the hearing to the Secretary of State for whatever
24 action the Secretary of State deems appropriate.

25 SEC. 38. Section 536 of the Family Code is amended to read:

26 536. The fee for an application for approval and
27 administration of this program, or renewal of application for
28 approval to issue confidential marriage licenses pursuant to this
29 chapter is three hundred dollars (\$300).

30 ~~SEC. 39. Section 100430 of the Health and Safety Code is~~
31 ~~amended to read:~~

32 ~~100430. (a) The fees or charges for a record search or for the~~
33 ~~issuance of any license, permit, registration, or any other~~
34 ~~document pursuant to Sections 26832, 26840, and 26859 of the~~
35 ~~Government Code, or Sections 102525, 102625, 102670,~~
36 ~~102725, 102750, 103050, 103065, 103225, 103325, 103400,~~
37 ~~103425, 103450, 103525, 103590, 103625, 103650, 103675,~~
38 ~~103690, 103695, 103700, 103705, 103710, 103715, 103720,~~
39 ~~103725, 103730, and 103735 of this code, may be adjusted~~

1 annually by the percentage change determined pursuant to
2 Section 100425.

3 The base amount to be adjusted shall be the statutory base
4 amount of the fee or charge plus the sum of the prior adjustments
5 to the statutory base amount. Whenever the statutory base
6 amount is amended, the base amount shall be the new statutory
7 base amount plus the sum of adjustments to the new statutory
8 base amount calculated subsequent to the statutory base
9 amendment. The actual dollar fee or charge shall be rounded to
10 the next highest whole dollar.

11 (b) Beginning January 1, 1983, the department shall annually
12 publish a list of the actual numerical fee charges as adjusted
13 pursuant to this section. This adjustment of fees and the
14 publication of the fee list shall not be subject to the requirements
15 of Chapter 3.5 (commencing with Section 11340) of Part 1 of
16 Division 3 of Title 2 of the Government Code.

17 *SEC. 39. Section 100430 of the Health and Safety Code is*
18 *amended to read:*

19 100430. (a) The fees or charges for a record search or for the
20 issuance of any license, permit, registration, or any other
21 document pursuant to Section 26832 or 26840 of the Government
22 Code, or Section 102525, 102625, 102670, 102725, 102750,
23 103050, 103065, 103225, 103325, 103400, 103425, 103450,
24 103525, 103590, 103595, 103625, 103650, 103675, 103690,
25 103695, 103700, 103705, 103710, 103715, 103720, 103725, or
26 103735 of this code, may be adjusted annually by the percentage
27 change determined pursuant to Section 100425.

28 The base amount to be adjusted shall be the statutory base
29 amount of the fee or charge plus the sum of the prior adjustments
30 to the statutory base amount. Whenever the statutory base
31 amount is amended, the base amount shall be the new statutory
32 base amount plus the sum of adjustments to the new statutory
33 base amount calculated subsequent to the statutory base
34 amendment. The actual dollar fee or charge shall be rounded to
35 the next highest whole dollar.

36 (b) Beginning January 1, 1983, the department shall annually
37 publish a list of the actual numerical fee charges as adjusted
38 pursuant to this section. This adjustment of fees and the
39 publication of the fee list shall not be subject to the requirements

1 of Chapter 3.5 (commencing with Section 11340) of Part 1 of
2 Division 3 of Title 2 of the Government Code.

3 SEC. 40. Section 102130 of the Health and Safety Code is
4 amended to read:

5 102130. All marriage licenses shall be written legibly and
6 shall be photographically and micrographically reproducible. A
7 marriage license is not complete and correct that does not supply
8 all of the items of information called for, or satisfactorily account
9 for their omission.

10 SEC. 41. Section 102140 of the Health and Safety Code is
11 amended to read:

12 102140. No alteration or change in any respect shall be made
13 on any marriage license or certificate after its acceptance for
14 registration by the local registrar, or on other records made in
15 pursuance of this part, except where supplemental information
16 required for statistical purposes is furnished.

17 SEC. 42. Section 102310 of the Health and Safety Code is
18 amended to read:

19 102310. The local registrar of marriages shall carefully
20 examine each license before acceptance for registration and, if it
21 is incomplete or unsatisfactory, he or she shall require any further
22 information to be furnished as may be necessary to make the
23 record satisfactory before acceptance for registration.

24 SEC. 43. Section 102325 of the Health and Safety Code is
25 amended to read:

26 102325. The local registrar shall number each marriage
27 certificate consecutively beginning with the number one for
28 either the first event occurring, or first event registered in, each
29 calendar year. Numbering may be based on either the year that
30 the event occurs or the year of registration.

31 SEC. 44. Section 102355 of the Health and Safety Code is
32 amended to read:

33 102355. The local registrar of marriages shall transmit to the
34 State Registrar not less than quarterly all original marriage
35 certificates accepted for registration by him or her during the
36 preceding quarter. Certificates shall be batched by calendar year
37 of event prior to transmission. Certificates may be transmitted at
38 more frequent intervals by arrangement with the State Registrar.

39 SEC. 45. Section 103125 of the Health and Safety Code is
40 amended to read:

1 103125. The forms for the marriage license shall be
2 prescribed by the State Registrar.

3 SEC. 46. Section 103175 of the Health and Safety Code is
4 amended to read:

5 103175. (a) The marriage license shall contain as nearly as
6 can be ascertained all of the following and other items as the
7 State Registrar may designate:

8 (1) The first section shall include the personal data of parties
9 married, including the date of birth, full given name at birth or by
10 court order, birthplace, mailing address, names and birthplaces of
11 the parents, maiden name of the mothers, the number of previous
12 marriages, marital status, and the maiden name of the female if
13 previously married.

14 (2) The second section shall include the signatures of parties
15 married, license to marry, county and date of issue of license, and
16 the marriage license number.

17 (3) The third section shall include the certification of one
18 person performing the ceremony, that shall show his or her
19 official position including the denomination if he or she is a
20 clergy or clergyperson, and the printed name, signature, and
21 mailing address of at least one, and no more than two, witnesses
22 to the marriage ceremony. The person performing the marriage
23 ceremony shall also type or print his or her name and mailing
24 address on the marriage license.

25 (b) The marriage license shall not contain any reference to the
26 race or color of parties married.

27 SEC. 47. Section 103180 of the Health and Safety Code is
28 amended to read:

29 103180. (a) Sections 103150 and 103175 do not apply to
30 marriages entered into pursuant to Section 307 of the Family
31 Code. Subdivisions (b) and (c) govern the registration and the
32 content of the License and Certificate of Declaration of Marriage
33 of those marriages.

34 (b) Each marriage entered into pursuant to Section 307 of the
35 Family Code shall be registered by the parties entering into the
36 marriage or by a witness who signed under paragraph (2) of
37 subdivision (a) of Section 307 within 10 days after the ceremony
38 with the local registrar of marriages for the county in which the
39 License and Certificate of Declaration of Marriage was issued.

1 (c) The License and Certificate of Declaration of Marriage
2 entered into pursuant to Section 307 of the Family Code shall
3 contain as nearly as can be ascertained the following:

4 (1) The personal data of parties married, including the date of
5 birth, full given legal names at birth or by court order, birthplace,
6 mailing address, names and birthplaces of their parents, maiden
7 name of their mothers, the number of previous marriages, marital
8 status, and the maiden name of the female, if previously married
9 and if her name has been changed.

10 (2) The license to marry.

11 (3) The county and date of issuance of the license.

12 (4) The marriage license number.

13 (5) The certification of the parties entering into the marriage,
14 that shall show the following:

15 (A) The fact, time, and place of entering into the marriage.

16 (B) The printed name, signature, and mailing address of two
17 witnesses to the marriage ceremony.

18 (C) The religious society or denomination of the parties
19 married, and that the marriage was entered into in accordance
20 with the rules and customs of that religious society or
21 denomination.

22 (6) The signatures of the parties married.

23 (7) Any other items that the State Registrar shall designate.

24 The License and Certificate of Declaration of Marriage shall
25 not contain any reference to the race or color of parties married
26 or to a person performing or solemnizing the marriage.

27 SEC. 48. Section 103200 of the Health and Safety Code is
28 amended to read:

29 103200. The clerk of the court of each county shall send a
30 copy of every judgment of dissolution of marriage, of legal
31 separation, and of declaration of nullity to the State Registrar
32 monthly. If a judgment of dissolution of marriage is vacated, the
33 clerk of the court shall send a copy of the order or dismissal to
34 the State Registrar.

35 SEC. 49. Section 103235 of the Health and Safety Code is
36 amended to read:

37 103235. If the amendment relates to a certificate or marriage
38 license that has not been transmitted to the State Registrar, the
39 local registrar shall review the amendment for acceptance for
40 filing, and if accepted shall file the amendment and shall note the

1 fact of the amendment, with its date, on the otherwise unaltered
2 original certificate or marriage license.

3 SEC. 50. Section 103595 of the Health and Safety Code is
4 repealed.

5 ~~SEC. 51. Section 103730 of the Health and Safety Code is~~
6 ~~amended to read:~~

7 ~~103730. A fee of eleven dollars (\$11) for each individual~~
8 ~~being adopted shall be paid to the clerk of the court at the time of~~
9 ~~filing the petition in an adoption proceeding, except for agency~~
10 ~~adoptions in which the adoption fee is waived and a statement~~
11 ~~from the agency to this effect is filed with the petition, and that~~
12 ~~fee shall be paid monthly by the clerk of the court to the State~~
13 ~~Registrar of Vital Statistics for the services required by statute of~~
14 ~~that office.~~

15 ~~SEC. 52.~~

16 SEC. 51. Section 103780 of the Health and Safety Code is
17 amended to read:

18 103780. (a) Every person, except as provided in subdivision
19 (b), who willfully alters or knowingly possesses more than one
20 altered document, other than as permitted by this part, or falsifies
21 any certificate of birth, fetal death, or death, or marriage license,
22 or any record established by this part is guilty of a misdemeanor.

23 (b) Every licensee or registrant pursuant to Chapter 12
24 (commencing with Section 7600) or Chapter 19 (commencing
25 with Section 9600) of Division 3 of the Business and Professions
26 Code, and the agents and employees of the licensee, or any
27 unlicensed person acting in a capacity in which a license from the
28 Cemetery and Funeral Bureau is required, who willfully alters or
29 knowingly possesses more than one altered document, other than
30 as permitted by this part, or falsifies any certificate of death, is
31 guilty of a misdemeanor that shall be punishable by
32 imprisonment in a county jail not exceeding one year, by a fine
33 not exceeding ten thousand dollars (\$10,000), or by both that
34 imprisonment and fine.

35 ~~SEC. 53.~~

36 SEC. 52. Section 103785 of the Health and Safety Code is
37 amended to read:

38 103785. Every person who is required to fill out a certificate
39 of birth, fetal death, or death, or marriage license and register it
40 with the local registrar, or deliver it, upon request, to any person

1 charged with the duty of registering it, and who fails, neglects, or
2 refuses to perform that duty in the manner required by this part is
3 guilty of a misdemeanor.

4 ~~SEC. 54.~~

5 *SEC. 53.* No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 a local agency or school district has the authority to levy service
8 charges, fees, or assessments sufficient to pay for the program or
9 level of service mandated by this act, within the meaning of
10 Section 17556 of the Government Code.

11 ~~SEC. 55.~~

12 *SEC. 54.* The provisions of this act shall become operative on
13 January 1, ~~2007~~ 2008.

14
15
16 **CORRECTIONS:**

17 **Text - Pages 9 and 15.**
18